

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

203

CRM-M-26883-2023

Date of decision: 15.09.2023

Rajni Rani

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. GC Shahpuri, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. On 13.06.2023, this Court had passed the following order:-

“Prayer in this petition filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner in case FIR No.56 dated 17.03.2023 registered under Section 25 of Arms Act and Sections 399, 400, 401, 402, 506 IPC at Police Station Farakpur, District Yamuna Nagar.

FIR was lodged on the complaint of one Arjun Singh, as per which he was having partnership in one wine shop. On 07.03.2023, his clerk noticed 5-6 boys, with muffled faces on a bike, without number plate near the wine shop. On the next day, on checking the CCTV footage, they noticed Sachin Pandit armed with illegal weapon along with his friends having come near the shutter of the wine shop with an intention to rob the wine shop and kill the complainant. They also recognised Monu @ Jasbir Singh in the footage of 8-9 PM. It was alleged that complainant felt threatened to his life as Sachin Pandit is dangerous.

It is submitted by learned counsel that though the alleged occurrence is of 07.03.2023 but FIR was lodged after ten days i.e. on 17.03.2023. Petitioner is nowhere named in the FIR. She has been nominated on the basis of disclosure statement of co-accused Aman and Arman, who had been arrested in case FIR No.75 dated 13.04.2023 under Sections 25(6)/25(7)/54/59 of Arms Act and Section 120B IPC. Learned counsel further contends that in the afore-said FIR No.75, petitioner has already been granted the benefit of interim anticipatory bail vide order dated 08.05.2023 in CRM-M-22311 of 2023 (Annexure P.2)

Status report filed by way of an affidavit of Shri Parmod Kumar, Deputy Superintendent of Police, Yamuna Nagar-2 on behalf of respondent- State has been perused.

It is not disputed by learned State Counsel that name of the petitioner has surfaced in the disclosure statement of the co-accused and that she was not found at the spot.

Adjourned to 15.09.2023.

In the meantime, in case of her arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. She shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. She shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, she shall make herself available without demur.

3. Learned State counsel on instructions from ASI Rajbir Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for any custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 13.06.2023 granting interim bail to her, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to her.

(AMAN CHAUDHARY)
JUDGE

15.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No